IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Carl H. Hauser	)	Group Art Unit: 2152
Serial No. 09/472,762	)	Examiner: Kenny S. Lin
Filed: December 27, 1999	)	
For: Personal Document Management System	)	

SUPPLEMENTAL REPLY BRIEF

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
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SUPPLEMENTAL REPLY BRIEF ON BEHALF OF CARL H. HAUSER:

Appellant appeals from the final Office Action mailed on June 9, 2005, in which currently pending Claims 1-18 stand finally rejected. A Supplemental Examiner's Answer was mailed on August 24, 2006, following an Order Returning Undocketed Appeal to Examiner ("Order") that was mailed by the Board of Patent Appeals & Interferences ("BPAI") on July 24, 2006. This Supplemental Reply Brief is submitted in response to the Supplemental Examiner's Answer, pursuant to 37 C.F.R. 41.43(b).

A Revocation of Power of Attorney with New Power of Attorney and Change Of Correspondence Address and a Statement Under 37 C.F.R. 3.73(b), which appoint representation by the undersigned accompany this paper.

TABLE OF CONTENTS

1. STATUS OF CLAIMS

Rejected Claims 1-18 are pending and are the subject of this Supplemental Reply Brief. The claims involved in this appeal are included in the Claims Appendix 4.

5

2. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

A. Issue I

Whether Claims 1, 3, 5, 9-10, 13, and 16 properly stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,721,910, issued to Unger et al. ("Unger").

B. Issue II

Whether Claims 7, 11, 14, and 17 properly stand rejected under 35 U.S.C. § 103(a) as being obvious over Unger in view of Official Notice.

C. Issue III

Whether Claims 2, 4, 6, and 8 properly stand rejected under 35 U.S.C. § 103(a) as being obvious over Unger in view of U.S. Patent No. 5,107,419, issued to MacPhail ("MacPhail").

D. Issue IV

Whether Claims 12, 15 and 18 properly stand rejected under 35 U.S.C. § 103(a) as being obvious over Unger in view of U.S. Patent No. 6,418,457, issued to Schmidt et al. ("Schmidt").

3. ARGUMENT

The Order returned the application to the examiner for issuance of a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8), from which the Supplemental Examiner's Answer ensued. This Supplemental Reply Brief directly addresses the references now listed in paragraph (8) of the Supplemental Examiner's Answer and presents clarifying remarks on the issues presented.

A. U.S. Patent No. 5,721,910, issued to Unger et al. ("Unger")

Unger discloses a relational database system that contains a hierarchical model of a complex business, scientific, or technical entity or specialty, and the associated technical documents, such as patents or scientific or technical publications, or abstracts of those patents or publications, which reflect each aspect of that model (Col. 2, lines 59-64). The database has increasing levels of abstraction, where Stage I is the least abstract and Stage VI is the most abstract (Col. 4, lines 56-59; FIGURE 1). Stages I and II represent well known methods of dealing with collections of full-text patents and semi-organized analyses of those collections of patents in the form of spreadsheets or small databases; Stages III through VI represent the subject of Unger's invention, whereby increasingly abstract concepts and overviews can be derived from a collection of electronically available patent abstracts, or technical documents, technical indexing, and patent claims (Col. 4, line 60-Col. 5, line 2).

The unstructured text in technical documents is reduced to fit the hierarchy by utilizing sophisticated expert technical searches (ETS) to automatically categorize technical documents (Col. 6, lines 56-63). A set of patents or technical documents are disaggregated into discrete technical categories by use of a set of pre-defined search protocols to assign each document to one or more categories (Col. 6, lines 63-66). A set of technical or scientific search strategies may be produced to identify and automatically categorize documents to fit the pre-defined matrix of technical categories (Col. 6, line 66-Col. 7, line 3). Each category has a unique set of associated characteristic terms, which are used

to create a pre-defined set of search parameters (Col. 7, lines 7-10).

The database includes a multidimensional hierarchy of subject categories, wherein the different levels of the hierarchy are interrelated by a mathematical formula (Col. 10, lines 49-51). Lower level categories reflect scientific concepts and technology, which may be recognized and assigned by use of a set of expert technical searches (ETS), while higher level, more abstract concepts may be recognized and assigned by mathematically manipulating the matrix of lower level scientific or technology concepts, in combination with a matrix of contributions to higher level concepts (Col. 2, lines 22-28). Each higher (more abstract) level of the hierarchy is a weighted sum of contributions from each category in the previous level (Col. 10, lines 51-58).

B. U.S. Patent No. 5,107,419, issued to MacPhail

MacPhail discloses an information handling system comprising a network of interconnected terminals and a host central processing unit (Col. 4, line 66-Col. 5, line 4). A user at one terminal can generate a document, such as a letter, and can store the document in the system at some logically central system location (Col. 5, lines 12-16). Each document filed in the system has an associated label and expiration date criteria that are employed to automatically manage the retention and deletion of documents from the system (Col. 3, lines 26-29).

C. U.S. Patent No. 6,418,457, issued to Schmidt et al. ("Schmidt")

Schmidt discloses a document storage and processing system, which includes an electronic networked notebook database with stringent security features, safeguards, time stamping, collaborative capability, and related features (Col. 1, line 63-Col. 2, line 10). A second database, a patent database, includes Disclosure, Application, Patent, and Abandoned sections (Col. 5, lines 12-18). A number is automatically assigned sequentially to the disclosure for references purposes (Col. 5, lines 19-24). A variation of the notebook database provides a company-wide archive of all data that pursues a patent, including providing electronic search and retrieval of data by various means, such as inventor's name, disclosure, application, patent number, title, keywords, content, and date (Col. 2,

lines 11-17).

D. Clarification of Issue I

A claim is anticipated under 35 U.S.C. § 102(b) when each element specified by the claim is found in a single reference. *See, Crown Ops. Int'l., Ltd. v. Solutia Inc.*, 289 F.3d 1367 (Fed. Cir. 2002). Applicant has traversed the rejection of Claims 1, 3, 5, 9-10, 13, and 16 as anticipated by Unger, as a *prima facie* case of anticipation has not been shown.

Unger discloses a database containing categories within a multidimensional hierarchical model. The database is produced by assigning documents to categories within the hierarchical model. Lower level categories are recognized and assigned through a set of ETSs. Higher level categories are recognized and assigned by mathematically manipulating a matrix of lower level concepts and a matrix of stored cumulative expertise. Apparent trends and discontinuities can be verified by examining individual documents, abstracts, or patent claims, and specific detail may be captured in discrete fields and linked to the categories.

In contrast, independent Claim 1 recites determining the document category of said loaded document, and applying to said loaded document at least one document handling procedure associated with *the* document category of said loaded document (emphasis added). No such limitations are taught or suggested by Unger, which recognizes and assigns lower level categories based on ETSs and recognizes and assigns higher level categories by mathematically manipulating the two matrices. Unger further teaches producing the hierarchical model by first recognizing, then assigning, categories to the model. Thus, the lower level and higher level categories are not necessarily known before a document is assigned. Rather, the categories can be progressively derived and, as a result, a document category could be determined, yet not have at least one document handling procedure associated and applied, per Claim 1.

In contrast, independent Claim 3 recites computer-executable instructions for determining the document category of the loaded document, and computer-executable instructions for applying to the loaded document a document handling

procedure associated with *the* document category (emphasis added). No such limitations are taught or suggested by Unger, which recognizes and assigns lower level categories based on ETSs and recognizes and assigns higher level categories by mathematically manipulating the two matrices. Unger further teaches producing the hierarchical model by first recognizing, then assigning, categories to the model. Thus, the lower level and higher level categories are not necessarily known before a document is assigned. Rather, the categories can be progressively derived and, as a result, a document category could be determined, yet not have at least one document handling procedure associated and applied, per Claim 3.

In contrast, independent Claim 5 recites determining the document category of said loaded document, and applying to said loaded document a document handling procedure associated with *the* document category of said loaded document (emphasis added) . No such limitations are taught or suggested by Unger, which recognizes and assigns lower level categories based on ETSs and recognizes and assigns higher level categories by mathematically manipulating the two matrices. Unger further teaches producing the hierarchical model by first recognizing, then assigning, categories to the model. Thus, the lower level and higher level categories are not necessarily known before a document is assigned. Rather, the categories can be progressively derived and, as a result, a document category could be determined, yet not have at least one document handling procedure associated and applied, per Claim 5.

Accordingly, a *prima facie* case of anticipation under 35 U.S.C. §102(b) has not been shown with respect to independent Claims 1, 3, and 5. Claims 9 and 10 are dependent upon Claim 1 and are patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claim 13 is dependent upon Claim 3 and is patentable for the above-stated reasons, and as further distinguished by the limitations therein. Claim 16 is dependent upon Claim 5 and is patentable for the above-stated reasons, and as further distinguished by the limitations therein. Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

E. Clarification of Issue II

To establish a *prima facie* case of obviousness, the examiner must establish, *inter alia*, that the references teach the invention claimed. *In re Wood*, 599 F.2d 1032, 202 U.S.P.Q. 171, 174 (C.C.P.A. 1979). Applicant has traversed the rejection of Claims 7, 11, 14, and 17 as obvious over Unger in view of Official Notice, as a *prima facie* case of obviousness has not been shown.

The teachings of Unger are discussed in section 3.D. Official Notice was taken that both the concept and advantage of transferring computer-executable instructions from one computer to another is well known and expected in the art.

In contrast, independent Claim 7 recites (2)determining the document category of the loaded document, and (4) applying to the loaded document a document handling procedure associated with *the* document category (emphasis added). No such limitations are taught or suggested by combination of Unger and Official Notice, which recognizes and assigns lower level categories based on ETSs and recognizes and assigns higher level categories by mathematically manipulating the two matrices in view of being able to transfer computer-executable instructions. The Unger-Official Notice combination further teaches producing the hierarchical model by first recognizing, then assigning, categories to the model. Thus, the lower level and higher level categories are not necessarily known before a document is assigned. Rather, the categories can be progressively derived and, as a result, a document category could be determined, yet not have at least one document handling procedure associated and applied, per Claim 7.

Accordingly, a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been shown with respect to independent Claim 7. In addition, Claim 11 is dependent upon Claim 1 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. In addition, Claim 14 is dependent upon Claim 3 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. In addition, Claim 17 is dependent upon Claim 5 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein.

Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

F. Clarification of Issue III

To establish a *prima facie* case of obviousness, the examiner must establish, *inter alia*, that the references teach the invention claimed. *In re Wood*, 599 F.2d 1032, 202 U.S.P.Q. 171, 174 (C.C.P.A. 1979). Applicant has traversed the rejection of Claims 2, 4, 6, and 8 as obvious over Unger in view of MacPhail, as a *prima facie* case of obviousness has not been shown.

The teachings of Unger are discussed in section 3.D. MacPhail teaches that each document has an expiration date criteria that is employed to automatically manage the retention and deletion of documents.

Claim 2 is dependent upon Claim 1 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. In addition, Claim 4 is dependent upon Claim 3 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. In addition, Claim 6 is dependent upon Claim 5 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. Finally, Claim 8 is dependent upon Claim 7 and is patentable for the reasons stated above with respect to the obviousness rejection, and as further distinguished by the limitations therein. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

G. Clarification of Issue IV

To establish a *prima facie* case of obviousness, the examiner must establish, *inter alia*, that the references teach the invention claimed. *In re Wood*, 599 F.2d 1032, 202 U.S.P.Q. 171, 174 (C.C.P.A. 1979). Applicant has traversed the rejection of Claims 12, 15 and 18 as obvious over Unger in view of MacPhail, as a *prima facie* case of obviousness has not been shown.

The teachings of Unger are discussed in section 3.D. MacPhail teaches that each document has an expiration date criteria that is employed to automatically manage the retention and deletion of documents.

Claim 12 is dependent upon Claim 1 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. In addition, Claim 15 is dependent upon Claim 3 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. In addition, Claim 18 is dependent upon Claim 5 and is patentable for the reasons stated above with respect to the anticipation rejection, and as further distinguished by the limitations therein. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

In view of the foregoing arguments, Applicant respectfully submits that the rejections under 35 U.S.C. § 102(b) and § 103(a) cannot be sustained and should be withdrawn. Reconsideration of the pending claims and a Notice of Allowance is respectfully solicited. Appellant's undersigned attorney can be reached at (206) 381-3900.

Dated: October 24, 2006

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Supp Reply Brief

4. CLAIMS APPENDIX

1. (previously presented): A computer-implemented method for adding a document to a plurality of stored documents, comprising:

loading the document into storage, said loaded document having a document category;

determining the document category of said loaded document;

extracting information from said loaded document indicating at least one of a document date, a document transaction type and a document identifier; and

applying to said loaded document at least one document handling procedure associated with the document category of said loaded document; said document handling procedure linking said loaded document to at least one of said plurality of stored documents using the at least one of the document date, the document transaction type and the document identifier extracted from said loaded document.

2. (original): The computer-implemented method of claim 1, wherein the document handling procedure includes retention criteria for determining how long to save the loaded document.

3. A computer system having a processor, a display and memory, the memory including an operating environment, and a computer-readable medium having computer-executable instructions for performing a method for adding a document to a plurality of stored documents, comprising:

computer-executable instructions for loading a document into storage, said loaded document having a category;

computer-executable instructions for determining the document category of the loaded document;

computer-executable instructions for extracting information from said loaded document indicating at least one of a document date, a document transaction type and a document identifier; and

computer-executable instructions for applying to the loaded document a document handling procedure associated with the document category, said document handling procedure linking said loaded document to at least one other of said plurality of stored documents using the at least one of the document date, the document transaction type and the document identifier extracted from said loaded document.

4. The computer system of claim 3, wherein the document handling procedure includes retention criteria for determining how long to save the loaded document.

5. A computer program product having a computer-readable medium holding computer-executable instructions for performing a method for adding a document to a plurality of stored documents, the method comprising:

loading the document into storage, said loaded document having a document category;

determining the document category of said loaded document;

extracting information from said loaded document indicating at least one of a document date, a document transaction type and a document identifier; and

applying to said loaded document a document handling procedure associated with the document category of said loaded document, said document handling procedure linking said loaded document to at least one of said plurality of stored documents using the at least one of the document date, the document transaction type and the document identifier extracted from said loaded document.

6. The computer program product of claim 5, wherein the document handling procedure includes retention criteria for determining how long to save the loaded document.

7. A method for transferring a computer program product from one or more first computers to a second computer connected to the one or more first computers through a communications medium, comprising:

(a) accessing, on the one or more first computers, computer-executable instructions for adding a document to a plurality of stored document; the computer-executable instructions when executed by a computer, performing the steps of:

(1) loading the document into storage, said loaded document having a document category;

(2) determining the document category of the loaded document;

(3) extracting information from said loaded document indicating at least one of a document date, a document transaction type and a document identifier; and

(4) applying to the loaded document a document handling procedure associated with the document category, said document handling procedure linking said loaded document to at least one other of said plurality of personal documents using the at least one of the document date, the document transaction type and the document identifier extracted from said loaded document; and

(b) transferring the computer-executable instructions from the one or more first computers to the second computer through the communications medium.

8. The method of claim 7, wherein the document handling procedure includes retention criteria for determining how long to save the loaded document.

9. The computer-implemented method of claim 1 wherein the loaded document further includes document format data specifying whether the loaded document is an electronic document or a document image.

10. The computer-implemented method of claim 1 wherein the document category of the loaded document is determined by data content extracted from the loaded document and matched to a pre-determined set of document categories.

11. The computer-implemented method of claim 1 wherein the document category is determined by a pre-determined category input with the loaded document.

12. The computer-implemented method of claim 1 wherein the information extracted from the loaded document is a document identifier indicating an account number and a transaction date; and wherein the document handling procedure links the loaded document to a set of stored documents having the account number; the document handling procedure further ordering the loaded document among the set of stored documents by the transaction date.

13. The computer system of claim 3 wherein the document category of the loaded document is determined by data content extracted from the loaded document and matched to a pre-determined set of document categories.

14. The computer system of claim 3 wherein the document category is determined by a pre-determined category input with the loaded document.

15. The computer system of claim 3 wherein the information extracted from the loaded document is a document identifier indicating an account number and a transaction date; and wherein the document handling procedure links the loaded document to a set of stored documents having the account number; the document handling procedure further ordering the loaded document among the set of stored documents by the transaction date.

16. The computer program product of claim 5 wherein the document category of the loaded document is determined by data content extracted from the loaded document and matched to a pre-determined set of document categories.

17. The computer program product of claim 5 wherein the document category is determined by a pre-determined category input with the loaded document.

18. The computer program product of claim 5 wherein the information extracted from the loaded document is a document identifier indicating an account number and a transaction date; and wherein the document handling procedure links the loaded document to a set of stored documents having the account number; the document handling procedure further ordering the loaded document among the set of stored documents by the transaction date.

4. EVIDENCE APPENDIX

None.

5. RELATED PROCEEDINGS APPENDIX

None.